

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 4841 of 2004(B)

PETITIONER:

**KUNDUMCHATTIL MOHAMED HASSAN,
K.C.MOHAMMED HASSAN S/O. ABDUL RAHIMAN,
KUNDAM CHALLIL HOUSE, P.O. OORAKAM, KIZHUMURI.**

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENTS:

- 1. JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, MALAPPURAM.**
- 2. KERALA CO-OPERATIVE TRIBUNAL,
THIRUVANANTHAPURAM.**
- 3. MALAPPURAM SERVICE CO-OPERATIVE
BANK LIMITED, MALAPPURAM, NO. F 1829, REPRESENTED
TO BY ITS SECRETARY.**
- 4. KONNOLA YOUSUF S/O. K.MOIDEENKUTTY HAJI,
DOWN HILL, MALAPPURAM.**
- 5. C.P.ABDUSSALAM S/O. HASSAN HAJI,
CHERUKARA PARAMMAL HOUSE, P.O.PONMUNDAM, TIRUR.**

**BY ADV. SRI.V.G.ARUN
SRI.V.G.ARUN
SRI.T.R.HARIKUMAR - R3**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.C NO.4841/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE JUDGMENT OF THE 1ST RESPONDENT IN A.R.C. NO.30/96-97. DT. 18.8.2000.

EXT.P2:- COPY OF THE JUDGMENT OF THE 2ND RESPONDENT DT. 31.10.03.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

W.P.(C) No.4841 of 2004

Dated 28th February, 2007.

J U D G M E N T

The challenge is on Ext.P2 judgment of the Cooperative Tribunal. According to the petitioner, he is not liable to repay the loan availed by respondents 4 and 5 from the third respondent. On a detailed consideration of the facts and evidence in the case, the Tribunal found against the petitioner. Be that as it may, it is submitted that the whole issue can be settled, in case the petitioner or the respondents 4 and 5 are granted the benefit of one time settlement. It is for them to approach the Bank before the stipulated time, viz., 31.3.2007, in which case, the eligible benefits under the one time settlement Scheme will be granted either to the petitioner or respondents 4 and 5. In order to enable the parties to approach the Bank as above, further proceedings pursuant to Ext.P2 will be deferred for a period of six months.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 28th February, 2007.